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STAT MEMORANDUM FOR: [REDACTED]  
Chief, Legislation Division, OLC

STAT FROM : [REDACTED]  
Director of Communications

SUBJECT : Communications Act of 1979

REFERENCE : OLC 79-1371/1

1. This Office has been following the developments associated with H.R. 3333, S.611 and S.622. We have been working with the Office of General Counsel on this matter and, as you are aware, hosted a meeting with a representative from that office and a representative from the OLC on 11 May on this subject.

2. The points of primary concern to this Office in the proposed legislation were communicated in the cited meeting but briefly include the following:

a. Assurance that the provisions relative to radio operating rights of foreign governments in the United States and the associated matter of reciprocity are worded so as to permit implicitly, if not explicitly, satellite as well as terrestrial radio operation.

b. If charges are to be made for the use of portions of the RF spectrum, this should be waived for government entities, particularly those in the defense, foreign affairs, and intelligence communities and for foreign governments. We do not wish to be placed in a position whereby we will be compelled to make payments to foreign governments for our radio operation as a matter of reciprocity. Payments for frequency usage within the United States could also be a burdensome item in the OC budget.

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c. With respect to the proposed Commission on Spectrum Use, the wording of that section should be clarified to ensure that neither testimony nor information on classified matters will be required.

d. With respect to the proposed National Telecommunications Agency, that section must again be worded to ensure that the Agency is not required to open its classified books on communications planning and operations to, or to make its communications policies available for a review by, another agency of the federal government. Section 704 (7) of H.R. 3333 should be eliminated in its entirety. Such an agency should not have the authority, as a policy making body, to become involved in the development and operation of telecommunications systems designed for national security purposes. Further, it would be highly undesirable to create yet another entity of government with what amounts to oversight authority over a function or element of the Agency.



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cc: /DDA